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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,237	03/15/2001	Hideo Ando	204591US-2S	6630

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 05/20/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,237

Applicant(s)

ANDO ET AL.

Examiner

HUY T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 19 directs to information stored on a medium. Since the information does not provided any functional relationship to the medium to provide certain function to control the medium to access stored information or impart to any software and hardware structural components provide a function that is processed by a computer , the information does not make it statutory. See MPEP 2100. There is no function of data and management information recited the body of claim 19 since the claim do not recites how the management information is used for controlling and managing the stream the stream data .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 14 –23 are rejected Claims 14,15,17,19,20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable Kim et al (6,470,135) in view of Tsukidate (6,714,722) .

Claim 14, 15, 17, 19,20 and 22 , Kim discloses a bitstream data recording (Fig. 1) using a recordable information medium (230) having a data area and a management area (Figs. 3, 4, columns 3 and 5) providing a data structure for recording broadcasted bitstream information, a the data structure stored on said information medium including, a stream object, formed of the broadcasted bitstream information, including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one third data unit having the at least one second data unit, the at least one third data unit storing header information relating to the at least one first data unit in the at least

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one third data unit (Fig. 3, each pack of third unit having a header relating to the first unit).

Further for claims 14 and 21, Kim discloses a formatter (120, 130) configured to format an input signal into a bitstream of data packets for an MPEG transport stream, said data packets corresponding to the at least one first data unit; and a recorder section (220,230) configured to record the bitstream in the data area of said information medium.

Further for claims 17 and 22, Kim further teaches a reproduction section (250) and decoding section (120) configured to reproduce the broadcasted bitstream information from the data area of said information medium; and a transfer section configured to transfer the data packets in the reproduced broadcasted bitstream information from the reproducer section to a decoder in which a content of the data packets is decoded.

Further for claim 19, the management information of Kim comprises service data since the management information is used for controlling an accessing the stored transport stream.

Regarding claim 15, Kim further teaches the formatter generates management information, and said recorder section records the generated management information in the management area of said information medium (column 3, lines 15-60).

Regarding claims 16, 18,21 and 23, Kim further teaches the management area of said information medium is configured to store packet length information,

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said packet length information indicating a size of the data packets (size of object unit)(column 3, lines 13-60) .

Kim fails to teaches that the management information further having service information as being recited in claims 14,17,19,20 and 22. Tsukidate teaches a recording and reproducing apparatus having means for recording the service information including source information (Figs. 6 and 8).

It would have been obvious to one of ordinary skill in the art to modify Kim with Tsukidate by providing a control means as taught by Tsukidate with the recording apparatus of Kim for recording source information in the management area thereby enhancing the capacity of the apparatus in identifying the recorded streams.

5. Claims 14,15,17,19,20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Na et al (6,366,731) in view of Yoshinobu et al (5,686,954).

Regarding claims 14,15,17,19,20 and 22, Na discloses a bitstream data processing apparatus (Figs 2 and 3) using a recordable information medium (column 4, lines 12-16) having a data area providing a data structure for recording broadcasted bitstream information, a the data structure stored on said information medium including, a stream object, formed of the broadcasted bitstream information, including at least one first data unit, at least one second data unit having the at least one first data unit, and at least one third data unit having the at least one second data unit, the at least one third data unit storing

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header information relating to the at least one first data unit in the at least one third data unit (program ID, time stamps, column 7)(a section of a program or a program is considered as a third unit that includes second units and first units).

Na further teaches

Na further teaches the use of service information that including a program number of a broadcast source by but fails to teach storing of the service information on a management area .

Yoshinobu teaches a recording/ recoding apparatus for recording a stream broadcast that having a control means for providing a medium with a management area for storing the management information that including service information including the program title of a channel , program names (column 24, lines 53 –67) (Fig. 12).

It would have been obvious to one of ordinary skill in the art to modify Na with Yoshinobu by providing the apparatus of Na with a control means as taught by Yoshinobu to provide the medium of Na with a management area for storing the management information including service information that specifies a broadcast source thereby enhancing capacity the apparatus of Na in accessing the store steam data .

Further for claims 14, Na as modified with Yoshinobu teaches recording means for recording the data and management information since both Na and Yoshinobu apparatus having capacity of recording stream data and management information.

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Further for claims 17, Na as modified with Yoshinobu teaches recording means for recording the data and management information since both Na and Yoshinobu apparatus having capacity of reproducing recorded stream data and management information.

6. Claims 16, 18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Na et al in view of Yoshinobu et al as applied to claims 14, 17, 19, 20 and 22 17 above, and further in view of Hiroshima et al (5,801,781).

Regarding claims 16 and 18, Na as modified with Yoshinobu fails to teach using packet length information in the management information. However, it is noted that providing packet length information as management information is well known in the art as taught by Hiroshima (Fig. 8). Therefore, it would have been obvious to one of ordinary skill in the art to modify Na as modified with Yoshinobu with Hiroshima by providing the management information with packet length information thereby accurately accessing stream data.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lenihan teaches an apparatus for recording transport stream on a disc.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HUY NGUYEN
PRIMARY EXAMINER

H.N